

Assembly Joint Resolution

No. 45

Introduced by Assembly Member Chiu

June 9, 2016

Assembly Joint Resolution No. 45—Relative to civil rights.

LEGISLATIVE COUNSEL’S DIGEST

AJR 45, as introduced, Chiu. Civil rights: the Equality Act.

This act would urge the United States Congress to enact the Equality Act of 2015, which would amend the Civil Rights Act of 1964 to include protections on the basis of sexual orientation, gender identity, and sex for, among other things, employment, housing, public education, and public accommodations.

Fiscal committee: no.

1 WHEREAS, While the Fourteenth Amendment of the United
2 States Constitution guarantees all citizens equal protection under
3 the law and the Civil Rights Act of 1964 outlaws discrimination
4 based on race, color, religion, sex, or national origin, no federal
5 law enumerates discrimination protections for lesbian, gay,
6 bisexual, and transgender (LGBT) Americans. While the United
7 States Supreme Court’s ruling in *Obergefell v. Hodges* (2015) 192
8 L.Ed.2d 609 brought marriage equality to all 50 states, LGBT
9 Americans still face discrimination in their daily lives and remain
10 at risk of being fired or denied services on the basis of who they
11 are or who they love because the majority of states still lack
12 explicit, comprehensive nondiscrimination protections; and
13 WHEREAS, The Equality Act of 2015 amends the Civil Rights
14 Act of 1964 to include sex, sexual orientation, and gender identity

1 among the prohibited categories of discrimination, effectively
2 protecting LGBT Americans in the areas of employment, housing,
3 public accommodations, public education, access to federal
4 funding, access to credit, and the opportunity to serve on a jury.
5 The 2015 Equality Act’s comprehensive approach to updating the
6 Civil Rights Act of 1964 would include protections for many
7 Americans beyond the LGBT community; and

8 WHEREAS, Despite the 1964 Civil Rights Act’s prohibition
9 against gender discrimination in certain areas, such as employment
10 and housing, women still face discrimination in public facilities
11 and in receiving federal financial assistance. The Equality Act of
12 2015 would ensure that women have equal access to public
13 accommodations and public funds, and that federal funding could
14 not be spent in a way that encourages discrimination based on sex;
15 and

16 WHEREAS, While many public accommodations are considered
17 protected places under current law, people of color still face
18 discrimination in places that include stores, banks, transportation
19 services, and health care services. The Equality Act of 2015 updates
20 the federal definition of public accommodations to ensure all
21 individuals are able to fully access and utilize social and public
22 places regardless of who they are; and

23 WHEREAS, In a growing number of states, Religious Freedom
24 Restoration Acts (RFRAs) and similar laws are being invoked in
25 an attempt to justify discrimination against the LGBT community.
26 The Equality Act of 2015 retains exemptions that religious
27 organizations and schools already enjoy, but would ensure that
28 religion could not be used as a justification for refusing service on
29 the basis of race, color, religion, sex, national origin, sexual
30 orientation, or gender identity; now, therefore, be it

31 *Resolved by the Assembly and the Senate of the State of*
32 *California, jointly,* That the Legislature calls upon the United States
33 Congress to pass the Equality Act of 2015, which would amend
34 the Civil Rights Act of 1964 to include protections on the basis of
35 sexual orientation, gender identity, and sex in the areas of
36 employment, housing, public accommodations, public education,
37 federal funding, credit, and the jury system; and be it further

38 *Resolved,* That the Chief Clerk of the Assembly transmit copies
39 of this resolution to the Speaker of the House of Representatives,
40 to the Majority Leader of the Senate, and to each Senator and

- 1 Representative from California in the Congress of the United
- 2 States.

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